

ADMINISTRATIVE PANEL DECISION

Rubis Energie v. Evrard Gauthier Nsoni, Endo Café express
Case No. D2026-2999

1. The Parties

The Complainant is Rubis Energie, France, represented by IP Twins SAS, France.

The Respondent is Evrard Gauthier Nsoni, Endo Café express, Canada.

2. The Domain Name and Registrar

The disputed domain name <rubisenergie.net> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2026. On July 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 22, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2026. On July 30, 2026, the Respondent sent an informal email communication to the Center. The Respondent did not submit a formal Response. On August 14, 2026, the Center informed the Parties that it would proceed with the Panel appointment process.

The Center appointed Nesrine Roudane as the sole panelist in this matter on August 19, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a French company operating in the energy sector and is a subsidiary of the French Rubis Group, which was founded in 1990 and is listed on Euronext Paris. The Complainant's activities include the distribution of liquefied petroleum gas, fuels, lubricants, bitumen, and other energy products. According to the record, the Rubis Group employs approximately 4,500 people and operates in more than 40 countries across Europe, Africa, Asia, and the Caribbean.

The record contains evidence of trademark rights in RUBIS ENERGIE, including:

French word trademark RUBIS ENERGIE No. 3431985, registered on November 3, 2006, renewed on April 16, 2026, and currently in force until May 31, 2036, for goods and services in International Classes 4, 19, 35, 37, 38, 39, 40, and 42;

French semi-figurative trademark RUBIS ENERGIE No. 3447950, registered on October 6, 2006, renewed on June 29, 2026, and currently in force until August 31, 2036, for goods and services in International Classes 19, 40, and 42; and

International figurative trademark RUBIS ENERGIE No. 1219226, registered on June 18, 2014 for goods and services in International Classes 4, 35, 37, 38, and 39.

The Complainant also operates its official website at the domain name <rubisenergie.com>.

The disputed domain name was registered on June 24, 2026. At the time the Complaint was filed, it resolved to a Registrar landing page stating that the disputed domain name was registered but might still be available and inviting interested users to use a domain broker service. The record does not contain evidence that the disputed domain name has been used for an active website offering goods or services.

According to the information disclosed by the Registrar, the Respondent is Evrard Gauthier Nsoni, associated with Endo Café express, and is located in Canada. The record contains no evidence of any relationship between the Parties, or that the Respondent has been authorized by the Complainant to use the RUBIS ENERGIE mark. The record also contains no evidence of any offering of goods or services by the Respondent under the name "Rubis Energie".

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

First, the Complainant contends that the disputed domain name is identical to its RUBIS ENERGIE trademarks. The disputed domain name reproduces the verbal elements of the RUBIS ENERGIE mark in their entirety, without the addition or deletion of any letter or word. The Complainant submits that the applicable generic Top-Level Domain ("gTLD") ".net" should be disregarded for the purposes of assessing identity or confusing similarity under the first element of the Policy.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant states that it has not licensed, authorized, or otherwise permitted the Respondent to use the RUBIS ENERGIE mark or to register a domain name incorporating that mark. The Complainant further submits that the Respondent is not commonly known by the disputed domain name and does not own any trademark rights corresponding to "Rubis Energie". According to the Complainant, the use of the disputed domain name for a default Registrar landing page does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Complainant also submits that the Respondent has not made any demonstrable preparations to use the disputed domain name for a legitimate purpose.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant relies on the longstanding use and distinctiveness of its RUBIS ENERGIE mark, which substantially predates the registration of the disputed domain name. The Complainant submits that the Respondent must have been aware of the Complainant and its trademark rights when registering a domain name that exactly reproduces the Complainant's corporate name and mark. In support of this contention, the Complainant refers to Internet search results for "Rubis Energie" that principally relate to the Complainant and its activities.

The Complainant further submits that there is no plausible good-faith use to which the disputed domain name could be put. It contends that the composition of the disputed domain name creates a risk of impersonation and confusion with the Complainant. The Complainant also relies on the fact that the disputed domain name resolves to a Registrar landing page stating that it may still be available and inviting interested users to use a domain broker service.

The Complainant also refers to the Respondent's initial use of a privacy service as an additional circumstance which, in its view, supports an inference of bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent sent an informal email communication to the Center on July 30, 2026, stating in French that he had read the communications but did not fully understand the situation and requesting further information.

The Respondent did not submit a formal Response and did not address the Complainant's substantive contentions. In particular, the Respondent provided no explanation for his selection of the disputed domain name and asserted no rights or legitimate interests in respect of it.

6. Discussion and Findings

The Panel has reviewed the record, including the Complaint, the amended Complaint, the annexes submitted by the Complainant, and the Respondent's informal email communication of July 30, 2026, as well as the applicable provisions of the Policy, the Rules, and the Supplemental Rules.

Under paragraph 4(a) of the Policy, the Complainant must establish, on the balance of probabilities, each of the following:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name was registered and is being used in bad faith.

The Respondent did not submit a formal Response or address the substantive contentions in the Complaint. Pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to address the merits of the case as it considers appropriate. The absence of a formal Response does not, however, automatically result in a decision in favor of the Complainant, which must still establish each of the three elements required under paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.3.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. In particular, the record includes International Trademark Registration No. 1219226 for the figurative mark RUBIS ENERGIE and the French trademark registration for the word mark RUBIS ENERGIE No. 3431985, registered in the name of the Complainant.

The disputed domain name reproduces the RUBIS ENERGIE mark in its entirety. The omission of the space between the words "Rubis" and "Energie", which cannot be represented in a domain name, does not prevent a finding of identity. To the extent that certain of the relevant registrations include figurative elements, the verbal elements "Rubis Energie" remain clearly recognizable within the disputed domain name. [WIPO Overview 3.1](#), sections 1.7 and 1.10.

The applicable generic Top-Level Domain ("gTLD") ".net" is generally disregarded for the purposes of the first element comparison. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is identical to the Complainant's RUBIS ENERGIE mark for the purposes of the Policy.

The Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests in a domain name, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name, although the burden of proof always remains on the complainant. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

In particular, the record contains no evidence that the Complainant has licensed, authorized, or otherwise permitted the Respondent to use the RUBIS ENERGIE mark or to register a domain name incorporating that mark. The Registrar-disclosed information identifies the Respondent as Evrard Gauthier Nsoni, associated with Endo Café express, and there is no evidence that the Respondent has been commonly known by the disputed domain name or by the name "Rubis Energie".

The record also contains no evidence that the Respondent owns any trademark rights corresponding to “Rubis Energie”.

The disputed domain name resolves to a Registrar landing page stating that it is registered but may still be available and inviting interested users to use a domain broker service.

Although the Respondent sent an informal email communication to the Center, he did not assert any rights or legitimate interests in the disputed domain name nor explained his selection of it. The Panel notes that the disputed domain name is identical to the Complainant’s mark and nearly identical – save for the TLD – to the Complainant’s own domain name <rubisenergie.com>. The Panel infers, on balance, that the Respondent selected the disputed domain name with the Complainant’s mark in mind. The Respondent has therefore not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Accordingly, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Complainant’s RUBIS ENERGIE trademark registrations substantially predate the registration of the disputed domain name. The disputed domain name reproduces the Complainant’s mark and its corporate name exactly, differing only by the omission of the space between the two words and the addition of the “.net” gTLD. The record also shows that the Complainant operates its official website at the domain name <rubisenergie.com> and that Internet search results for “Rubis Energie” principally relate to the Complainant and its activities.

In view of the composition of the disputed domain name, the longstanding trademark rights reflected in the record, and the online presence of the Complainant under the corresponding domain name, the Panel finds it more likely than not that the Respondent was aware of the Complainant and its RUBIS ENERGIE mark when registering the disputed domain name. The Respondent has provided no explanation for his selection of a domain name exactly corresponding to the Complainant’s mark and corporate name.

The disputed domain name resolves to a Registrar landing page stating that it is registered but may still be available and inviting interested users to use a domain broker service. While such a generalized indication of possible availability does not, by itself, establish that the Respondent registered the disputed domain name primarily for sale to the Complainant within the meaning of paragraph 4(b)(i) of the Policy, it is relevant when considered together with the other circumstances of the case.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that may indicate that a domain name was registered and is being used in bad faith, but other circumstances may also be relevant in assessing bad faith. WIPO Overview 3.1, section 3.2.1.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. Rather, panels assess the totality of the circumstances in each case, including the degree of distinctiveness or reputation of the complainant’s mark, the composition of the disputed domain name, the respondent’s failure to provide a response or any evidence of any actual or contemplated good-faith use. Taking the above factors into consideration, panels assess the overall plausibility of any good-faith use to which the domain name might be put. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctive character of the RUBIS ENERGIE mark, the exact reproduction of it in the disputed domain name, the absence of any rights or legitimate interests on the part of the Respondent, the Registrar landing page suggesting that the disputed domain

name may be available through a broker service, and the Respondent's failure to provide any explanation. Although the Respondent contacted the Center, his email communication did not address the merits of the Complaint or explain his purpose in registering the disputed domain name.

In these circumstances, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. On the balance of probabilities, the record supports the conclusion that the Respondent registered and has used the disputed domain name in order to take unfair advantage of, or otherwise exploit, the Complainant's RUBIS ENERGIE mark.

Accordingly, the Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <rubisenergie.net> be transferred to the Complainant.

/Nesrine Roudane/

Nesrine Roudane

Sole Panelist

Date: September 2, 2026